THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1885.

Published by authority.

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TITLES OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN

THE YEAR 1885.

No. I.—An Act to regulate Ferries in Bengal.

" II.—An Act to enable the Commissioners for the Port of Calcutta to construct Docks.

" III.—An Act to extend the system of Local Self-Government in Bengal.

ACT No. 1 OF 1885.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 6th April 1885, *and of the Governor-General on the 15th May* 1885.)

An Act to regulate Ferries in Bengal.

Preamble.

WHEREAS it is expedient to regulate Ferries within the territories subject to the Lieutenant-Governor of Bengal: It is enacted as follows:—

Preliminary.

Short title.

1. This Act may be called the "Bengal Ferries Act, 1885."

Extent and commencement of Act.

2. It shall extend to all the territories subject to the Lieutenant-Governor of Bengal: And it shall come into force on such date as the Lieutenant-Governor may, by notification in the *Calcutta Gazette*, appoint in this behalf.

Regulation VI of 1819 and Bengal Act I of 1866 repealed.

3. Regulation VI of 1819 and Bengal Act I of 1866 are hereby repealed; but all determinations, declarations, orders and rules made, engagements entered into, and securities taken, under such Regulation and Act shall be deemed to be respectively made, entered into and taken under this Act.

Act not to apply to municipal ferries.

4. Nothing in this Act contained shall apply to any ferry deemed or declared to be a municipal ferry under the provisions of the Bengal Municipal Act, 1884.

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5. In this Act, unless there be something repugnant in the subject or context,—

Interpretation.

"Commissioner." "Commissioner" means the Commissioner of a Division.

"Ferry." "Ferry" includes a bridge of boats, pontoons or rafts, a swing-bridge, a flying bridge, a temporary bridge, and a landing stage.

"Notification." "Notification" means a notification published in the *Calcutta Gazette*.

"Private ferries." "Private Ferries" includes all ferries other than those declared to be public ferries, or established as such, under section six of this Act.

PART I.

Public Ferries.

Power to declare, establish, define, and discontinue public ferries.

6. It shall be lawful for the Lieutenant-Governor from time to time to—

(*a*) declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;

(*b*) take possession of a private ferry and declare it to be a public ferry;

(*c*) establish new public ferries where, in his opinion, they are needed;

(*d*) define the limits of any public ferry;

(*e*) change the course of any public ferry, and

(*f*) discontinue any public ferry which he deems unnecessary.

Every such declaration, establishment, definition, change or discontinuance, shall be made by notification:

Provided that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river on which such ferry is established, such alteration may be made, by an order in writing, by the Magistrate of the District.

7. The control of all public ferries shall be vested in the Magistrate of the District, subject to the direction of the Commissioner.

Control of public ferries vested in the Magistrate of the District.

8. The immediate superintendence of every public ferry shall be vested in the Magistrate of the District in which such ferry is situated, or in such other officer as the Lieutenant-Governor may, from time to time, either by name or by official designation appoint.

Superintendence of public ferries.

And such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat.

9. The tolls of any public ferry may, from time to time, be leased by public auction for such term as the Magistrate of the District in which such ferry is situated may, with the approval of the Commissioner, direct.

Ferry tolls may be leased by auction.

The Magistrate of the District or the officer authorized by him to conduct such auction may, for sufficient reason to be recorded in writing, refuse to accept the offer of the highest bidder, aad may accept any other bid, or may withdraw the tolls from auction.

The lessee of the tolls of every ferry which have been leased under this section shall execute a contract setting forth the conditions on which the tolls of such ferry are to be held, and shall give security for its due fulfilment.

Execution of contract by lessee.

10. When the tolls of a public ferry have been duly leased, the lessee and every servant of the lessee shall be deemed to be legally bound to conform to the rules made under this Act for the management and control of such ferry.

Lessee of the tolls of a public ferry and his servants bound to conform to rules.

11. On the requisition of the Magistrate of the District the person in charge of a public ferry situate in such district shall maintain at one or more places, in addition to the place at which the said public ferry is established, and within two miles therefrom,

Provision for the establishment of subsidiary ferry.

such number of subsidiary ferries as may seem to the Magistrate to be necessary for the public convenience : and all the provisions contained in this Act in regard to the management and control of public ferries shall be deemed applicable to any subsidiary ferry maintained under the requisition of the Magistrate.

Recovery of arrears from lessee.

12. All arrears due by the lessee of the tolls of a public ferry on account of his lease ;

any pecuniary forfeiture for breach of contract inserted in the deed of contract or conditions of sale by public aution ; and

all sums due from the lessee on the surrender of his lease under section fourteen,

may be recovered from the lessee or his surety (if any) as a demand under Bengal Act VII of 1880, or any other Act at the time being in force for the recovery of public demands.

Power to cancel lease.

13. The lease of the tolls of any public ferry shall be liable to be cancelled at once by the Magistrate of the district in which such ferry is situated, if it shall appear to such Magistrate that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from such Magistrate.

Surrender of lease.

14. The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Magistrate of the District in which such ferry is situated of his intention to surrender such lease, and on payment of such reasonable compensation as the Magistrate may, with the approval of the Commissioner, in each case direct.

Power to make rules in regard to public ferries.

15. The Magistrate of the district, with the approval of the Commissioner, may from time to time make rules consistent with this Act—

(*a*) for the management of all public ferries within such district, and for regulating the traffic at such ferries ;

(*b*) for regulating the time and manner at and in which, the terms on which, and the person by whom, the tolls of such ferries may be leased by auction ;

(*c*) for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for, and

(*d*) generally to carry out the purposes of this Act:

And when the tolls of a ferry have been leased under section nine, such Magistrate may, from time to time with such approval as aforesaid, make additional rules consistent with this Act—

(*e*) for collecting the rents payable for the tolls of such ferries;

(*f*) for regulating the returns of traffic to be, from time to time, submitted by the lessee of such ferries;

(*g*) in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing-bridge, flying-bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained, and opened for the passage of vessels and rafts through the same, and

(*h*) in cases in which the traffic is conveyed in boats, for regulating

the number and kinds of such boats and their dimensions and equipment;

the number of the crew to be kept by the lessee for each boat;

the maintenance of such boats in good condition;

the hours during which, and the intervals within which, the lessee shall be bound to ply, and

the number of passengers, animals and vehicles, and the bulk and weight of other things that may be carried in each kind of boat at one trip.

And may, from time to time, with such approval as aforesaid, repeal or alter such rules.

Rules made under this section shall be subject to the control of the Lieutenant-Governor, and shall be published in the *Calcutta Gazette* in such manner as the Lieutenant-Governor directs, and shall thereupon have the force of law.

16. No person shall, except with the sanction of the Magistrate of the District, maintain a ferry to or from any point within a distance of two miles from the limits of a public ferry:

Private ferry not to ply within two miles of public ferry without sanction.

Provided that in the case of any specified public ferry, the Lieutenant-Governor may, by notification, reduce or increase the said distance of two miles to such extent as he thinks fit:

Provided also that nothing hereinbefore contained shall prevent persons keeping boats to ply between two places, one of which is without, and one within, the said limits, when the distance between such two places is not less than three miles or shall apply to boats which the Magistrate of the District expressly exempts from the operation of this section.

17. Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of or a new public ferry, or subsidiary ferry, being established under section six or section eleven, shall be enquired into by the Magistrate of the District in which such ferry is situated, who shall, with the approval of the Commissioner, award compensation to any person who may appear justly entitled thereto. Such compensation shall be calculated upon an estimate of the annual net profit actually realized by such person from such ferry on an average of the five years next preceding such declaration, and shall in no case exceed the amount of fifteen times such net annual profit.

Claims for compensation, and what amount to be awarded.

18. Tolls, according to such rates as may, from time to time be fixed by the Magistrate of the District with the approval of the Commissioner, shall be levied on all persons, animals, vehicles, and other things crossing any river by a public ferry and not employed or transmitted on the public service:

Tolls.

Provided that the Lieutenant-Governor may, from time to time, declare that any persons, animals, vehicles or other things shall be exempt from payment of such tolls.

Where the tolls of a ferry have been leased under section ine, any such declaration, if made after the date of the auction, hall entitle the lessee to such abatement of the rent payable in espect of the tolls as may be fixed by the Magistrate of the District under this section.

Table of tolls.

19. The lessee or other person authorized to collect the tolls of any public ferry shall affix a table of such tolls, legibly written or printed in the ernacular language, and also, if the Commissioner so directs, in English, in some conspicuous place near the ferry:

List of tolls.

and shall be bound to produce, on demand, a list of the tolls signed by the Magistrate of the District or such other officer as he appoints in this behalf.

Tolls, rents, compensation, and fines how to be appropriated.

20. Except as provided by section thirty-five, all tolls, rents, and compensation received by or on behalf of the Government, and all fines levied under this Act, shall be appropriated in the first instance towards the payment of all charges incurred in carrying out the provisions of this Act, and the surplus, if any, shall be credited to such fund as the Lieutenant-Governor may from time to time direct.

Compounding for tolls.

21. It shall be lawful for the Magistrate of the District in which a public ferry is situated, with the approval of the Commissioner, from time to to time to fix rates at which any person may compound for the tolls payable for the use of such ferry.

PART II.

PRIVATE FERRIES.

Power to make rules in regard to private ferries.

22. The Commissioner may from time to time make rules, consistent with this Act, for the maintenance of order, and for the safety of passengers nd property, at private ferries situated in his division.

Rules made under this section shall be subject to the control f the Lieutenant-Governor, and shall be published in the

Calcutta Gazette in such manner as the Lieutenant-Governo directs, and shall thereupon have the force of law.

PART III.

PENALTIES AND CRIMINAL PROCEDURE.

Penalty for breach of provisions as to table of tolls, list of tolls, and return of traffic.

23. Every lessee or other person authorized to collect th tolls of a public ferry, who neglects to affix and keep in good order and repair the tabl of tolls mentioned in section nineteen,

or who wilfully removes, alters or defaces such table, or allow it to become illegible,

or who fails to produce on demand the list of the tolls men tioned in section nineteen,

and every lessee who neglects to furnish any return required under section fifteen,

shall be punished with fine which may extend to fifty rupees.

Penalty for taking unauthorized toll, and for causing delay.

24. Every such lessee or other person as aforesaid asking or taking more than the lawful toll, or without due cause delaying any person, animal, vehicle or other thing, shall be punishe with fine which may extend to one hundred rupees.

Penalty for breach of rules made under sections 15 and 22.

25. Every person breaking any rule made under section fifteen or section twenty-two shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Cancelment of lease on default or breach of rules.

26. When any lessee of the tolls of a public ferry makes default in the payment of the rent payable in respect of such tolls, or has been convicted of an offence under section twenty-five, or, having been convicted of an offence under section twenty-three or section twenty-four, is again convicted of an offence under either of those sections, the Magistrate of the District may, with the approval of the Commissioner, cancel the lease of the tolls of such ferry, and make other arrangements for its management during the whole or any part of the term for which the tolls were leased.

Penalties on passengers offending.

27. Every person crossing by any public ferry who refuses to pay the proper toll; and every person—

who, with intent to avoid payment of such toll, fraudulently or forcibly crosses by any such ferry without paying the toll, or

who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes, or takes any animals, vehicles or other things, into any ferry-boat, or upon any bridge at such a ferry, which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave, or remove any animals, vehicles, or goods from any such ferry-boat or bridge on being requested by such toll-collector, lessee or assistant to do so, or

who moors any boat, raft, or other substance to, or in any way obstructs, any part of a public ferry,

shall be punished with fine which may extend to fifty rupees.

Penalty for plying within public ferry-course without license.

28. Whoever conveys for hire any passenger, animal, vehicle or other thing in contravention of the provisions of section sixteen shall be punished with fine which may extend to fifty rupees.

Fines payable to lessee.

29. Where the tolls of any public ferry have been leased under the provisions hereinbefore contained, the whole or any portion of any fine realized under section twenty-seven or section twenty-eight may, notwithstanding anything contained in section twenty, be, at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee.

Penalty for rash navigation and stacking of timber.

30. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and the

toll-collector or lessee of the tolls of such ferry, or any of his assistants, may seize and detain such vessel, raft of timber pending the enquiry and assessment hereinafter mentioned.

Power to arrest without warrant.

31. The Police may arrest without warrant any person committing an offence against section twenty-seven or section thirty.

Magistrate may assess damage done by offender.

32. Every Magistrate or Bench of Magistrates trying any offence under this Act may enquire into and assess the value of the damage (if any) done or caused by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine, or when the offence is one under section thirty by the sale of the vessel, raft or timber causing the damage, and of anything found in or upon such vessel or raft.

The Commissioner may, on the appeal of any person deeming himself aggrieved by an order under this section, reduce or remit the amount payable under such order.

PART IV.

MISCELLANEOUS.

Power to take possession of boats and other appliances on surrender or cancellation of lease.

33. On the cancelment or surrender of a lease, the Magistrate of the District may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry; and may either retain the same permanently on payment of a fair price to the proprietor, or may retain them for such time as may be necessary, not exceeding three months, until he can make arrangements for such other boats and appliances as may be necessary, in which case the Magistrate of the District shall pay a fair sum to the owners for the use of the said boats and appliances:

Provided that within a week of taking such possession, the Magistrate of the District shall be bound to give notice to the

said lessee of his intention to retain the said boats and appliances permanently, or for a period to be specified in the notice.

Similar power in cases of emergency.

34. When any boats or their equipments, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of officers or troops of Her Majesty on duty, or of any other persons on the business of Her Majesty, or of any animals vehicles or baggage belonging to such officers, troops or persons, or of any property of Her Majesty, the Magistrate of the District may take possession of and use the same (paying such compensation for the use thereof as the Lieutenant-Governor may in each case direct) until such transport is completed.

Management may be vested in District Board.

35. It shall be lawful for the Lieutenant-Governor to order that any public ferry situated in any district in which a District Board has been established under the provisions of the Bengal Local Self-Government Act of 1885 shall be managed by such District Board: and such District Board shall have all the powers vested in the Magistrate of the District under this Act, except the powers specified in sections seven, seventeen, and thirty-two, and the Lieutenant-Governor may further order that all or any part of the proceeds of such ferry and all or any part of the fines levied, and compensation received, under this Act in respect thereof, be paid into the District Fund.

And thereupon such ferry shall be managed, and such proceeds, fines and compensations shall be paid accordingly.

The Lieutenant-Governor may from time to time vary or annul any order made under this section.

Delegation of powers.

36. The Lieutenant-Governor may, from time to time, delegate, under such restrictions as he thinks fit, any of the powers conferred on him by this Act to any Commissioner or Magistrate of a District, or to such other officer or authority as he thinks fit, by name or by official designation.

W. J.—Reg. No. 3114G—2,000—3-6-85.

ACT No. II of 1885.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 14th March* 1885, *and of the Governor-General on the 23rd June* 1885.)

An Act to enable the Commissioners for the Port of Calcutta to construct Docks.

Preamble.

WHEREAS it is expedient to empower the Commissioners for making Improvements in the Port of Calcutta to construct Docks at Kidderpore in connection with the Port, and to raise loans for that purpose:

And whereas the Secretary of State for India in Council has agreed to guarantee the payment of interest upon such loans:

And whereas the said Secretary of State has already advanced to the said Commissioners various sums for the purpose of commencing the construction of such docks:

It is enacted as follows—

Construction.

1. This Act shall be read with, and taken as part of, Act V of 1870, passed by the Lieutenant-Governor of Bengal in Council.

Commencement.

And it shall come into force on the date on which it is published in the *Calcutta Gazette* with the assent of the Governor-General.

Interpretation of "Dock."

2. In this Act the word "dock" includes all basins, cuts, quays, wharves, warehouses, tramways, and other works connected with the said docks and convenient for their use.

Power to construct and maintain docks.

3. It shall be lawful for the Commissioners to construct docks at Kidderpore in connection with the said port, in such manner as the Lieutenant-Governor, with the previous

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sanction of the Governor-General in Council, by notification published in the *Calcutta Gazette*, may sanction, and to equip, maintain, and manage such docks.

Power to raise loans for construction, &c., of such docks.

4. The Commissioners may from time to time raise loans for the construction, equipment, maintenance, and management of the said docks, to such amount and at such rate of interest as the Lieutenant-Governor, with the previous sanction of the Governor-General in Council, by notification published in the *Calcutta Gazette*, may sanction.

Repayment of principal.

5. The said Secretary of State, at any time not less than ten years after a loan has been raised under section four, may declare, by a notification published in the *Calcutta Gazette*, that the principal of such loan shall be repaid on a date to be specified in the notification, not being less than thirty years from the first publication of the notification, and may require the Commissioners to make such arrangements as shall provide to his satisfaction for such repayment; and the Commissioners shall make such provision and repayment accordingly.

Accountant-General to advance sums for payment of interest on loans.

6. The Accountant-General of Bengal shall from time to time advance to the Commissioners such moneys as may be required to meet the charges on account of interest upon any loan raised under section four.

Sums advanced by the Accountant-General to be repaid with interest.

7. The Commissioners shall repay all moneys so advanced by the Accountant-General, under the last foregoing section, at such times and in such manner as the Lieutenant-Governor may direct, with interest thereon at the rate of four and a half per centum per annum.

Power to borrow moneys from the Secretary of State.

8. It shall be lawful for the Commissioners from time to time to borrow moneys from the Secretary of State for India in Council for the purposes of this Act.

9. All moneys so borrowed before the commencement of this Act shall bear interest at the rate of four and a half per centum per annum, and shall be repaid at such time and in such manner as the Lieutenant-Governor may direct.

Moneys so borrowed how to be repaid.

10. The Commissioners shall from time to time frame a scale of tolls, dues, and charges to be levied by them for the landing and shipment of goods at the docks constructed under this Act, and for the use of the said docks by sea-going or other vessels, and for the storing and keeping of any goods in any premises belonging to, or connected with, the said docks, and for the removal of such goods, and for the use of any moorings connected with such docks;

Tolls, &c., to be levied.

and also a scale of charges for any services to be performed by the Commissioners or their servants in respect of any vessels or goods, and for the use of any works or appliances provided by the Commissioners in connection with such docks.

Such tolls, dues, and charges shall not exceed the rates which may from time to time be fixed by the Lieutenant-Governor by notification published in the *Calcutta Gazette*.

Such scale of tolls, dues, and charges, when adopted by a resolution of the Commissioners at a meeting, shall be submitted to the Lieutenant-Governor, and it shall be lawful for the Commissioners to levy the same after publication of such scale or scales in the *Calcutta Gazette* with the sanction of the Lieutenant-Governor.

11. The said tolls, dues, and charges, and all other money and property leviable or received under this Act, shall be held and applied by the Commissioners for the purposes of this Act, and subject thereto for the purposes of Acts V of 1870 and IV of 1880, passed by the Lieutenant-Governor of Bengal in Council.

Application of tolls, &c., leviable, and property received under Act.

12. It shall be lawful for the Commissioners from time to time to make bye-laws,

Power to make bye-laws.

for the guidance of persons employed by them under this Act;

for the safe and convenient use of the said docks and the approaches thereto;

for regulating the entrance into, and departure from, the said docks of ships, boats, and vessels;

for the mode of levy and payment of tolls, dues, and charges leviable under this Act,

and for otherwise carrying out the purposes of this Act;

and from time to time to repeal or alter any such bye-law so made by them.

Approval of bye-laws.

13. Such bye-laws, and such repeal or alteration of any bye-law, shall have the force of law upon the publication thereof in the *Calcutta Gazette*, with the sanction of the Lieutenant-Governor.

Validation of acts already done.

14. All moneys borrowed, all expenditure incurred, all contracts made, and all works undertaken by the Commissioners, before the commencement of this Act, for and in connection with the construction of the said docks, shall be deemed to have been borrowed, incurred, made, and undertaken under this Act.

W. J.—Reg No. 4816G—2,000—10-7-15.

THE BENGAL LOCAL SELF-GOVERNMENT ACT OF 1885.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 6th April 1885, and of the Governor-General on the 11th July 1885.

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ACT No. III OF 1885.

An Act to extend the System of Local Self-Government in Bengal.

WHEREAS it is expedient to extend the system of Local Self-Government within the territories subject to the Government of the Lieutenant-Governor of Bengal: It is enacted as follows:—

Preamble.

Preliminary.

Short Title.

1. This Act may be called the "Bengal Local Self-Government Act of 1885."

Extent.

It shall extend to all the territories subject to the Lieutenant-Governor of Bengal which are not included within the limits of the town of Calcutta, or of the districts of Singbhoom, the Sonthal Pergunnahs, or the Chittagong Hill Tracts, or of any place or town to which the provisions of the Bengal Municipal Act, 1884, have been, or may hereafter be, extended:.

Commencement.

And it shall come into force in any district on such date as the Lieutenant-Governor may, by notification, direct.

Any notification, order, or rule, and any appointment to an office, may be made, or election held, under this Act after it shall have received the assent of the Governor-General, and shall take effect in any district on this Act coming into force therein.

Enactment repealed and amended.

2. On this Act coming into force in any district, the enactment specified in the first and second Schedules shall, as regards such district, be repealed to the extent mentioned in the third column of the first Schedule, and be amended to the extent mentioned in the third column of the second Schedule.

But this repeal shall not revive any office, authority, or thing abolished by such enactment, or affect the validity of anything which has been done or suffered, or any right, title, obligation, or liability which has accrued before the commencement of this Act.

Office held under repealed provisions of Bengal Act IX of 1880 to continue in existence until its abolition or confirmation by District Board.

3. Every person holding office in any district under the repealed provisions of the Cess Act, 1880, shall continue to hold such office until it shall be abolished, or a new appointment made in respect thereof, by the District Board established in such district under the provisions of this Act:

Provided that, if for a period of twelve months from the date on which this Act comes into force in any district, the District Board does not abolish such office or make such appointment as aforesaid, the person holding such office shall be deemed to have been appointed to it under the provisions of this Act:

Provided, further, that if such office shall be abolished or a new appointment made in respect thereof, compensation pension or gratuity shall be paid from the District Fund to any person not being a servant of the Government who may be deprived of such office, and the amount of such pension or gratuity shall be calculated in accordance with any rules made under the provisions of section one hundred and thirty-eight of the Cess Act, 1880; or if no such rules have been made, the amount shall be calculated in accordance with the rules regulating the payment of compensation pensions and gratuities to Uncovenanted servants of the Government.

Act not to come into force in cantonments without sanction of Governor-General in Council.

4. Notwithstanding anything in section one, this Act shall not come into force in any cantonment without the sanction of the Governor-General in Council previously obtained.

Interpretation.

5. In this Act, unless there be something repugnant in the subject or context—

"Commissioner."

"Commissioner" means the Commissioner of a division.

"Local authority."

"Local authority" means any District Board or Local Board, Joint Committee, Union Committee, or Joint Union Committee constituted under this Act.

"Municipal authority" means the Commissioners of a Municipality constituted under the provisions of the Bengal Municipal Act, 1884.

"Municipal authority."

"Notification" means a notification published in the *Calcutta Gazette*.

"Notification."

"Magistrate of the district" includes any Magistrate subordinate to the Magistrate of the district, to whom he may delegate all or any of his powers under this Act.

"Magistrate of the district."

The term "salaried servant of Government" does not include a retired servant of Government in receipt of a pension.

"Salaried servant of Government."

"Financial year" means the year commencing on the first day of April.

"Financial year."

"Cess year" means the year as fixed by the Lieutenant-Governor under the Cess Act of 1880.

"Cess year."

PART I.

Local Authorities.

CHAPTER I.

DISTRICT BOARDS AND LOCAL BOARDS.

Constitution of District Boards and Local Boards.

6. The Lieutenant-Governor shall, by notification, establish a District Board for every district.

District Boards and Local Boards.

The Lieutenant-Governor may, by notification, establish a Local Board in any sub-division or in any two or more sub-divisions combined, and may cancel or vary any such notification:

Provided that a Local Board shall be established in every sub-division of every district mentioned in the third Schedule of this Act, and in any other sub-division to which the provisions of the next succeeding Chapter shall have been extended.

A District Board shall have authority, for the purposes of this Act, over the district for which it is established, and a Local Board shall have authority over such sub-division or sub-divisions as the Lieutenant-Governor may, by notification, direct.

Constitution of District Boards.

7. A District Board shall consist of such number of members, not being less than nine, as the Lieutenant-Governor may, by notification, fix in this behalf, and may include elected and appointed members :

Provided that if there be no Local Board within a district, the whole of the District Board shall consist of appointed members.

When a Local Board has been established in any district, such Local Board shall be entitled to elect such proportion of the whole of the District Board as the Lieutenant-Governor shall from time to time direct :

Provided that when Local Boards have been established throughout the whole area of any district, not less than one-half of the whole District Board (exclusive of the Chairman, if appointed under section twenty-two) shall be elected by such Local Boards :

Provided also that no person shall be elected a member of the District Board unless he be qualified for election as a member of some Local Board in the district under the provisions of section thirteen of this Act.

The appointed members (if any) shall be—

Such persons and officials as the Lieutenant-Governor shall from time to time, either by name or by official designation, appoint :

Provided that not more than one-half of the appointed members shall be salaried servants of the Government.

Constitution of Local Boards.

8. A Local Board shall consist of such number of members, not being less than six, as the Lieutenant-Governor may by notification fix in this behalf.

Lieutenant-Governor to make rules for qualification of persons entitled to vote for election of members of Local Boards.

9. Two-thirds of the members of each Local Board established in a district mentioned in the third schedule of this Act shall be elected under such rules, consistent with this Act, as the Lieutenant-Governor may make for each Local Board in respect of the qualifications required to entitle any person to vote for a candidate for election, and in respect of the time and mode of election:

Provided that every male person, of the full age of twenty-one years, resident within the area under the authority of a Local Board, who is qualified in one of the manners following, that is to say—

Qualification of electors.

(1) Is a member of a Union Committee within such area;

(2) Has, during the year immediately preceding such election,

(*a*) paid a sum of not less than one rupee on account of road cess in respect of lands situated either wholly or in part within such area;

(*b*) paid license-tax in respect of a trade, dealing, or industry carried on within such area; or

(*c*) been possessed of a clear annual income from any source of not less than two hundred and forty rupees.

(3) Being a member of a joint undivided family, one of the members of which is qualified for election as in this section hereinbefore provided, is a graduate or licentiate of any university, or holds a certificate as a pleader or mookhtear:

shall be entitled to vote at an election of members of such Local Board.

Lieutenant-Governor may appoint remaining members if full proportion not elected within the prescribed time.

10. If within the time prescribed by the rules under the last preceding section the said proportion of such members is not elected, the Lieutenant-Governor may appoint the remainder.

Appointment of members of Local Boards by Lieutenant-Governor to take effect on result of election.

11. One-third of the members of each Local Board established in a district mentioned in the third schedule of this Act shall be appointed by the Lieutenant-Governor immediately after the result of the election mentioned in section nine shall have been notified to him, and such appointment shall be deemed to have been made on the date on which such election takes place.

Proportionate number of members how to be ascertained if the whole number is not evenly divisible by two or by three.

12. In cases where the whole number of members is not evenly divisible by two or by three, the one-half or one-third, as the case may be, shall be ascertained by taking the number next below the whole number which is evenly divisible by two or by three as the number to be divided.

Qualification for election as members of Local Boards established in districts mentioned in Schedule.

13. The Lieutenant-Governor shall make rules, consistent with this Act, defining the qualifications of candidates for election as members of each Local Board established in a district mentioned in the third schedule of this Act:

Provided that every male person, of the full age of twenty-one years, who is qualified in one of the manners following, that is to say—

(1) Is a member of a Union Committee within the area under the authority of such Local Board.

(2) Has during the year immediately preceding such election had his fixed place of abode within the area under the authority of such Local Board, and

(*a*) paid a sum of not less than five rupees on account of road cess in respect of land situated, either wholly or in part, within the area under the authority of such Local Board;

(*b*) paid a license-tax of not less than twenty rupees in respect of a trade, dealing, or industry carried on within the area under the authority of such Local Board; or

(*c*) been possessed of a clear annual income from any source of not less than one thousand rupees.

(3) Being a member of a joint undivided family, one of the members of which is qualified for election under clause (1) or clause (2) (*a*) or (*b*) of this proviso, is a graduate or licentiate of any university, or holds a certificate as a pleader or mookhtear:

shall be deemed to be qualified for election as a member of such Local Board.

Lieutenant-Governor may add names of districts, not already included, to schedule.

14. It shall be lawful for the Lieutenant-Governor, by notification from time to time, to add the name of any district to the list included in the third schedule of this Act.

From and after the date of such notification, such district shall, for the purposes of this Act, be deemed to be a district mentioned in such schedule.

Construction of Local Boards in districts not mentioned in schedule.

15. The members of a Local Board, established in a district not mentioned in the third schedule of this Act, shall be appointed by the Lieutenant-Governor, either by name or by official designation:

Provided that not more than one-half of the whole number shall be salaried servants of the Government:

Provided further that the Lieutenant-Governor may, at any time in regard to any Local Board, direct that two-thirds of the members of such Local Board shall be elected under the provisions of sections nine, ten, and thirteen, and that one-third shall be appointed under the provisions of section eleven.

Term of office of members of District Board and Local Board.

16. A member of a District Board or Local Board, when appointed by official designation, shall, unless and until the Lieutenant-Governor otherwise directs, continue to be a member of the Board while he continues to hold the office to which such designation refers.

The term of office of all other members of a District Board or a Local Board shall be fixed by the Lieutenant-Governor by rules made under this Act, which may provide for the retirement of members by rotation.

An outgoing member, if otherwise qualified, may be re-elected or re-appointed.

Resignation of members.

17. A member of a District Board or Local Board may resign by notifying in writing his intention to do so, in the case of a member of a District Board to the Lieutenant-Governor, and in the case of a member of a Local Board to the Commissioner, and on such resignation being accepted by the Lieutenant-Governor or Commissioner, respectively, the member shall be deemed to have vacated his office, and shall not be re-elected until the expiration of the term for which he would have held the office but for his resignation.

Powers of Lieutenant-Governor to remove members.

18. The Lieutenant-Governor may remove any member of a District Board or Local Board—

(*a*) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a criminal court to any such order, as, in the opinion of the Lieutenant-Governor, formed after due enquiry, unfits him to be a member;

(*b*) if he has been declared by notification to be disqualified for employment in the public service;

(*c*) if he, without an excuse, sufficient in the opinion of the Lieutenant-Governor, absents himself from six consecutive meetings of the Board;

(*d*) when he is a salaried servant of the Government, if his continuance in office is, in the opinion of the Lieutenant-Governor, undesirable.

Filling of casual vacancies.

19. When the place of an elected member of a District Board or Local Board becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in accordance with the rules made by the Lieutenant-Governor under this Act to fill the place:

Provided that no act of the Board or of its officers, or of the Board in meeting, shall be deemed to be invalid by reason only

that the number of the Board, at the time of the performance of such act, was less than the prescribed number.

When the place of an appointed member of a District Board or Local Board becomes vacant as aforesaid, the Lieutenant-Governor may, if he thinks fit, appoint a new member to fill the place.

A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be re-elected or re-appointed.

Incorporation of District Boards.

20. Every District Board shall be a body corporate by the name of "The District Board of [*name of district*]," and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to any rules made by the Lieutenant-Governor under this Act, to transfer any such property held by it, and to contract and do all other things necessary for the purposes of this Act, and may sue and be sued in its corporate name.

Time for District Boards and Local Boards coming into existence.

21. The several District Boards and Local Boards constituted under this Act shall come into existence at such time as the Lieutenant-Governor may by notification fix in this behalf.

Chairman and Vice-Chairman.

Chairman of District Board.

22. Every District Board shall be presided over by a Chairman who shall be appointed by the Lieutenant-Governor, or, should the Lieutenant-Governor in any case so direct, be elected by the members of such Board from among their own number, subject to his approval.

Vice-Chairman of District Board.

23. Every District Board shall from time to time elect one of its members to be Vice-Chairman.

Term of office of Chairman and Vice-Chairman of District Board.

24. The term of office of an appointed Chairman shall be one year from the date of his appointment, but he may be re-appointed on the expiration of such term. Every appointed Chairman shall be deemed to be a member of the Board during such term.

The term of office of an elected Chairman or of a Vice-Chairman of a District Board shall be the residue of his term of office as a member of the Board.

Chairman of Local Board.

25. Every Local Board shall be presided over by a Chairman who shall be elected by the members from among their own number, subject to approval by the Lieutenant-Governor; or the Local Board may, at a meeting attended by not less than two-thirds of its members, request the Lieutenant-Governor to appoint a Chairman.

If the Local Board fails to elect such Chairman as aforesaid within a period of one month from the time prescribed for such election by any rules made by the Lieutenant-Governor under this Act, or within such extended time as the Lieutenant-Governor may in his discretion allow for such election, the Lieutenant-Governor shall appoint such Chairman.

The term of office of a Chairman shall be the residue of his term of office as a member of the Board.

Vice-Chairman of Local Board.

26. Every Local Board shall from time to time elect one of its members to be Vice-Chairman. The term of office of a Vice-Chairman shall be the residue of his term of office as a member of the Board.

Resignation of Chairman and Vice-Chairman of District Board or Local Board.

27. A Chairman of a District Board or Local Board may resign by notifying in writing his intention to do so to the Lieutenant-Governor, and on such resignation being accepted shall be deemed to have vacated his office. A Vice-Chairman of a District Board or Local Board may resign by notifying in writing his intention to do so to the Board, and on such resignation being accepted shall be deemed to have vacated his office.

Removal of Chairman and Vice-Chairman of District Board or Local Board.

28. The Lieutenant-Governor may remove any Chairman of a District Board or Local Board from his office if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as, in the opinion of the Lieutenant-Governor, formed after due enquiry, unfits him to be Chairman, or, on the application of the Board, if he persistently neglects his duty as Chairman.

A District Board or Local Board may remove its Vice-Chairman from his office if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as, in the opinion of the Board, formed after due enquiry, unfits him to be a Vice-Chairman, or if he persistently neglects his duty as Vice-Chairman.

Casual vacancies in office of Chairman or of Vice-Chairman of District Board or Local Board.

29. If a Chairman of a District Board dies, resigns, is removed, or becomes incapable of acting, the Lieutenant-Governor may appoint a Chairman, or may direct that a Chairman be elected by the members of such Board from among their own number, subject to his approval.

If a Chairman of a Local Board, or a Vice-Chairman of a District Board or Local Board, dies, resigns, is removed, or becomes incapable of acting, the Board shall, at a special meeting held for this purpose within the period prescribed by any rules made by the Lieutenant-Governor under this Act, elect one of its members to be Chairman or Vice-Chairman, as the case may be.

A Chairman or Vice-Chairman elected under this section to fill a casual vacancy shall hold office for the residue of his term as member of the Board.

Joint Committees.

Joint Committees.

30. A District Board may join with any other District Board or with any Municipal or Cantonment authority, or with more than one such

Board, or Municipal or Cantonment authority, in constituting out of their respective bodies a Joint Committee for any purpose in which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or authorities concerned, and may from time to time frame rules as to the proceedings of any such Joint Committee, and as to the conduct of correspondence relating to the purpose for which the Joint Committee is constituted.

Conduct of Business.

Record and publication of proceedings.

31. Minutes of the proceedings at each meeting of a District Board or Local Board shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the Chairman of the meeting, and shall be published in such manner as the Lieutenant-Governor may from time to time direct, and shall at all reasonable times and without charge be open to the inspection of any person resident within, or owning or holding land within, the jurisdiction of such Board.

Resolutions passed by District Board or Local Board how to be treated.

A copy of every resolution passed by a District Board at a meeting shall, within three days from the date of the meeting, be forwarded to the Magistrate of the district for transmission to the Commissioner.

A copy of every resolution passed by a Local Board at a meeting shall, within three days from the date of the meeting, be forwarded to the District Board and to the Magistrate of the district.

Power to make rules as to business and affairs.

32. Every District Board, and every Local Board with the sanction of the District Board, may from time to time make rules as to—

(*a*) the time and place of its meetings, the business to be transacted at meetings, and the manner in which notice of meetings shall be given;

(*b*) the conduct of proceedings at meetings, the due record of all dissents and discussions, and the adjournment of meetings;

(*c*) the custody of the common seal and the purposes for which it shall be used;

(*d*) the division of duties amongst its members;

(*e*) the powers to be exercised by the Chairman or Vice-Chairman, or by sub-committees or members to whom particular duties are assigned;

(*f*) the persons by whom receipts shall be granted for money received under this Act;

(*g*) the duties, appointment, leave, suspension, and removal of the officers and servants of the Board; and

(*h*) other similar matters.

And may from time to time repeal or alter such rules.

Rules made under this section, consistent with this Act, shall be subject to the sanction of the Lieutenant-Governor, and shall, if sanctioned by him, be published in such manner as he may direct; and shall have the force of law so long as they are consistent with the rules made by him under this Act.

Establishments.

33. Every District Board, subject to the provisions hereinafter contained, may from time to time determine and appoint the establishment to be employed by it, or by any Joint Committee constituted under section thirty, and may fix the salaries to be paid to such establishment:

District Board may appoint establishments and fix salaries.

Provided—

(1) that no appointment, the monthly salary of which amounts to one hundred rupees or more, shall be created or abolished without the approval of the Commissioner, and that every nomination to, and dismissal from, such an appointment shall be subject to confirmation by the Commissioner;

(2) that the aggregate salaries and allowances in any one financial year of the establishment employed by any District Board for the purpose of heading (D) of Part III of this Act shall not, without the sanction of the Lieutenant-Governor, exceed twenty per centum on the total amount available for

expenditure by such Board upon public works during the financial year;

(3) that every District Board shall conform to any rules made by the Lieutenant-Governor under this Act regarding the qualifications of candidates for employment.

Rules regarding leave of absence and absentee allowances to officers.

34. A District Board may, subject to proviso (2) of the last preceding section, make, from time to time, with the approval of the Commissioner, rules as to leave of absence and absentee allowances for its establishment.

Pensions and gratuities to be paid out of District Fund.

35. A District Board may, from time to time, with the sanction of the Lieutenant-Governor, make rules for pensions and gratuities to be granted and paid out of the District Fund to its establishment, and may, with the like sanction, repeal or alter such rules.

Union Committee may appoint establishment and fix salaries.

36. Every Union Committee may from time to time determine and appoint the establishment to be employed by it, and may fix the salaries to be paid to such establishment:

Provided that no appointment, the monthly salary of which amounts to ten rupees or more, shall be created without the consent of the Local Board to which the Union Committee creating such appointment is subordinate.

CHAPTER II.

UNION COMMITTEES.

Operation of Chapter.

37. No provision contained in this Chapter shall apply to any district, or part of a district, unless and until it has been expressly extended thereto, by notification, by the Lieutenant-Governor.

Formation of Unions.

38. The Lieutenant-Governor may, by order in writing, constitute any village or group of villages into a Union; and may prescribe for such Union the number of members of which the Union Committee shall consist. Such number shall not be less than five or more than nine.

It shall be lawful for the Lieutenant-Governor from time to time to vary or annul such order.

Election of members of Union Committees.

39. Save as is hereinafter provided, such number shall be elected from among the residents of the Union, in accordance with rules made by the Lieutenant-Governor under this Act, and shall constitute the Union Committee of such Union.

Appointment on failure to elect.

40. If the electors of any Union fail to elect the full number of members prescribed for the Committee of such Union, the Commissioner may appoint the remainder.

Appointment in substitution of election.

41. Notwithstanding anything in this Act contained, it shall be lawful for the Lieutenant-Governor to direct, by order in writing, for reasons to be stated in such order, that any Union Committee shall consist, either wholly or in part, of members appointed by the Commissioner.

Term of office of members.

42. The term of office of the members of a Union Committee shall be two years from the date of their election or appointment, but shall include any period which may elapse between the expiration of the said two years and the date of the next subsequent election or appointment, not being an election or appointment under the next succeeding section.

At the expiration of such term, such members may be re-elected or re-appointed.

Filling of casual vacancies.

43. When the place of an elected or appointed member of a Union Committee becomes vacant by the resignation or death of such member, a new member shall be elected or appointed, in the manner hereinbefore provided, and shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be re-elected or re-appointed:

Provided that no act of the Committee or of its officers, or of the Committee in meeting, shall be deemed to be invalid by

reason only that the number of the Committee at the time of the performance of such act was less than the prescribed number.

Joint Union Committees.

44. Any Union Committee may from time to time, with the consent of the Local Board to which it is subordinate, as hereinafter provided, join with any other Union Committee or Committees in constituting out of their respective bodies a Joint Union Committee for any purpose in which they are jointly interested, and in delegating to any such Joint Union Committee any power which might be exercised by either or any of the Union Committees, and may from time to time frame rules as to the proceedings of any such Joint Committee and as to the conduct of correspondence relating to the purpose for which the Joint Union Committee is constituted.

It shall be lawful for the Local Board to associate not more than two of its members with any Joint Union Committee constituted under this section.

PART II.

Finance.

General.

Lieutenant-Governor may direct that funds of existing local bodies shall be vested in new local authorities.

45. The Lieutenant-Governor may, by notification, direct that all or any portion of the funds vested in any local body existing in such district shall be vested in any local authority constituted under this Act, immediately upon such local authority being constituted.

Chapter I.

District Board to fix rate of road cess annually.

46. A District Board, on or before the day prescribed in the rules made by the Lieutenant-Governor under this Act, shall hold a meeting for the purpose of fixing the rate at which the road cess shall be levied in the district during the ensuing cess year:

Provided that the rate at which the road cess is levied when this Act comes into force in such district shall not be reduced without the sanction of the Lieutenant-Governor.

Estimates, reports, and statements of District Board to be submitted to Commissioner.

47. Every District Board shall submit to the Magistrate of the district, for transmission to the Commissioner,

on or before the day prescribed in the rules made by the Lieutenant-Governor under this Act,

(1) a statement of the requirements and an estimate of the probable expenditure of the District Board for the ensuing financial year,

(2) a report of its proceedings,

(3) an account of its receipts and expenditure for the past financial year,

and, from time to time,

such other reports and accounts as the Commissioner may require.

The Magistrate of the district, when he is not Chairman of the Board, shall, on or before the day prescribed in the rules made by the Lieutenant-Governor under this Act, signify in writing to the Board his approval or disapproval of the statement of requirements and estimate. When he disapproves of the statement of requirements and estimate on the ground that the expenditure on salaries, works, or other objects proposed therein appears to be insufficient or excessive, or that any particulars contained therein appear to be erroneous, defective, or improper, he shall state the nature of his objection. The Board shall then consider his objection, and may modify the statement of requirements and estimate, or signify in writing its reasons for adhering to such statement and estimate; and the Magistrate of the district shall thereupon forward the statement of requirements and estimate to the Commissioner.

Power of Commissioner as to estimates.

48. The Commissioner may either approve of the estimate as it stands, or approve of it after making such alterations therein as may seem to

him fit; or may cause it to be returned to the Board for such modifications as he may think necessary, and when such modifications have been made, the estimate shall be re-submitted for ratification to the Commissioner:

Provided that the Commissioner shall not make, and shall not require the District Board to make, otherwise than with its own consent, any such alterations as may have the effect of raising the total of such estimate above the total of the sum estimated to be at the disposal of the District Board for expenditure during the financial year.

Estimates may be amended or revised.

49. Any estimate prepared and approved as hereinbefore provided may, with the approval of the Commissioner, be amended or revised at any time by the District Board.

District Boards may raise loans and may form a sinking fund.

50. It shall be lawful for a District Board, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, from time to time to raise loans for the purpose of carrying out any of the provisions of this Act, and to guarantee the payment of interest on such loans, and to form a sinking fund.

Estimates and audit of accounts of Local Boards.

51. Every Local Board shall submit to the District Board annually, on or before such date as the District Board may appoint, a statement of the requirements and an estimate of the probable expenditure of the Local Board for the ensuing financial year, and shall submit, as often as the District Board may require, accounts of its receipts and expenditure.

The District Board may approve such estimate or may make such alterations therein as it thinks fit.

The District Board shall make arrangements, subject to the approval of the Commissioner, for the examination and audit of accounts submitted to it under this section, and may direct the publication of such accounts.

CHAPTER II.

THE DISTRICT FUND.

Constitution of District Fund.

52. There shall be formed for each district a fund to be called the "District Fund," and there shall be placed to the credit thereof—

(1) The balance of the District Road Fund of the district, after payment of the expenses mentioned in section one hundred and nine of the Cess Act, 1880, as amended by this Act;

(2) All sums levied within the district as fines, penalties, or otherwise under this Act.

(3) All sums accruing within the district, under the provisions of the Cattle Trespass Act, 1871, from pounds which have not been transferred to any Union Committee under section one hundred and eleven of this Act.

(4) All receipts in respect of public ferries within or on the boundary of the district, which have been placed under the management of the District Board under the provisions of the Bengal Ferries Act, 1885.

(5) All receipts in respect of any schools, hospitals, dispensaries, railways, tramways or other buildings, institutions or works, which may have been constructed by, vested in, or placed under the control and administration of, a District Board under Part III of this Act.

(6) All sums which may be allotted to the District Board from the Provincial Revenues by the Lieutenant-Governor for any of the purposes mentioned in Part III of this Act, or for any other purpose.

(7) All sums contributed to the District Board by local bodies or private persons.

District Fund to be vested in Board.

The District Fund shall be vested in the District Board, and the balance standing to the credit of the Fund shall be kept in such custody as the Lieutenant-Governor from time to time directs.

53. The District Fund shall be applicable to the following objects, and in the following order :—

Application of District Fund.

Firstly.—To the payment of any sums which the District Board may be liable to pay as interest upon loans raised by it under section fifty for the purposes of this Act, and to the formation of a sinking fund, when required.

Secondly.—To the payment of any sums which the District Board may under this Act from time to time have undertaken to pay as interest on capital expended on any works which may directly improve the means of communication within the district or between such district and other districts.

Thirdly.—To the payment of such percentage as the Lieutenant-Governor may from time to time direct towards the cost of audit, and towards the cost of establishments in any office of account or in any treasury :

Provided that the total amount which any District Board may be required to pay on this account shall not in any year exceed two per centum on the whole amount of the District Fund for such year.

Fourthly.—To the payment of the salaries of the establishments employed by the District Board for the purposes of this Act, and of any pensions and gratuities granted under section three and section thirty-five, and to the payment to the Government of such percentage as the Lieutenant-Governor may, from time to time, direct on the salaries of such establishments in consideration of the Government undertaking to pay the leave and pension allowances of such establishments.

Fifthly.—To the payment of expenses incurred by the District Board in the performance of the duties imposed by this Act, and in the construction, repair, and maintenance of any works which may become vested in, or be placed under the control and administration of, such Board under Part III of this Act.

Sixthly.—To the payment, at such rates as the Lieutenant-Governor may direct, of the travelling expenses incurred by members of the District Board in attending meetings of the Board or meetings of a Joint Committee.

Seventhly.—To the payment of expenses incurred by the District Board under section eighty of this Act.

Eighthly.—To investment in any local debenture loans issued by the Government of India or by any municipal authority or local authority, for the construction of public works which may directly improve the means of communication within the district, or between such district and other districts;

Provided—

(1)—That no sum shall be expended from the District Fund in the construction of any channel for the purposes of irrigation;

or for the purposes of drainage connected with any irrigation works in charge of public officers;

or for the improvement or maintenance of any water-channel on which tolls are levied, when no portion of the proceeds of such tolls is paid into the District Fund.

(2)—That no part of the District Fund shall be applied to the construction, repair, or maintenance of any road within any municipality which has been, or may hereafter be, constituted under the Bengal Municipal Act, 1884, unless such road shall have been expressly excluded from the operation of the said Act under section thirty thereof.

Accounts of District Fund how to be kept and published.

54. Account books of the District Fund shall be kept by an officer to be appointed by the District Board.

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter and published in such manner as the Lieutenant-Governor directs, and any person resident in, or owning or holding land in the district, may at all reasonable times inspect any such account without payment of a fee.

A similar account showing the income of the District Fund under each head of receipt, the charges of establishment, the

works undertaken, the sums expended on each work, and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared for each financial year as soon as possible after its close, and shall be open to inspection as aforesaid.

Finance Committee.

55. Every District Board shall appoint a Finance Committee consisting of so many members as it thinks fit.

Its duties.

It shall be the duty of such Committee to prepare the statements, estimates, and accounts required for submission under section forty-seven, and generally to superintend all matters connected with the finances and accounts of the District Board.

The Finance Committee shall at all times, when required so to do, produce its accounts for audit by any officer who may be appointed by the Lieutenant-Governor in that behalf.

Chapter III.

The Union Fund.

Constitution of Union Fund.

56. There shall be formed for each Union a fund to be called the "Union Fund," and there shall be placed to the credit thereof—

(1) All sums accruing within the Union under the Cattle Trespass Act, 1871;

(2) All sums assigned thereto by the Lieutenant-Governor or District Board, whether as a contribution towards the cost of making village roads or otherwise;

(3) All other sums received by the Union Committee in the execution of this Act.

Union Fund to be vested in Union Committee.

The Union Fund shall be vested in the Union Committee, and the balance standing to the credit of the Fund shall be kept in such custody as the Lieutenant-Governor from time to time directs.

Application of Union Fund.

57. The Union Fund shall be applicable to the following objects, and in the following order:—

(1) To the payment of establishments employed, and expenses incurred, by the Union Committee for the purposes of this Act.

(2) To the payment of the expenses incurred by the Union Committee in respect of the duties imposed, and powers conferred, upon it under Part III of this Act, and of any expenses that may be incurred through its default in carrying out any of such duties.

Accounts of Union Fund how to be kept and published.

58. Account books of the Union Fund shall be kept by an officer to be appointed by the Union Committee.

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter and published in such manner as the Lieutenant-Governor directs, and any person resident in, or owning or holding land in, the Union may at all reasonable times inspect any such account without payment of a fee.

A similar account showing the income of the Union Fund under each head of receipt, the charges of establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared for each financial year as soon as possible after its close, and shall be open to inspection as aforesaid.

Copies of the quarterly and yearly accounts shall be submitted to the Local Board to which such Union Committee is subordinate.

PART III.

Duties and Powers of Local Authorities.

CHAPTER I.

DUTIES AND POWERS OF DISTRICT BOARDS.

Operation of provisions included under headings A to D.

59. The provisions included under the headings A to D (both inclusive) of this Chapter shall be in force as regards every District Board, unless and until the Lieutenant-Governor shall otherwise direct.

60. No provision included under the headings E to I (both inclusive) of this Chapter shall apply to any District Board, unless and until it has been expressly extended thereto by notification by the Lieutenant-Governor.

Operation of provisions included under headings E to I.

A.—Pounds.

61. Every District Board shall exercise such powers in regard to the establishment, maintenance, and management of pounds as may be transferred to it by order notified under Act XVIII of 1883.

Powers of District Board in respect of pounds.

B.—Education.

62. Subject to any rules made by the Lieutenant-Governor under this Act, every District Board shall be charged with, and be responsible for, the maintenance and management of all primary and middle schools under public management within the district, the construction and repair of all buildings connected therewith, the appointment (subject to the provisions of section thirty-three) of all masters and assistant masters thereof, and the payment of the salaries of such masters and assistant masters:

Primary and middle schools under public management.

Provided that nothing contained in this section shall be held to apply to schools for the education of Europeans and Eurasians.

63. Subject to any rules made by the Lieutenant-Governor under this Act, a District Board may with its own consent be charged with, and made responsible for, the maintenance and management of any other schools or class of schools within the district.

Other schools.

64. It shall be lawful for the Lieutenant-Governor to declare that the maintenance and management of any High English school under public management, situated within a town which has been or may hereafter be constituted a municipality under the Bengal Municipal Act, 1884, shall be entrusted to a Joint Committee, consisting partly of members delegated by the Commissioners of such municipality and partly of members delegated by such District Boards as may be named in the order.

High English Schools.

Every order issued under this section shall specify the number of members to be delegated, and the proportion of the cost of maintenance of the school to be provided, by each of the local authorities and the municipal authority named therein.

Every Joint Committee appointed under this section shall, in respect of any such school, have the same powers and be subject to the same liabilities, as are by this heading conferred and imposed on District Boards.

Primary schools under private management.

65. It shall be lawful for the Lieutenant-Governor from time to time to transfer to a District Board such funds as he may deem necessary for expenditure on the improvement of primary schools within the district under private management. And, subject to any rules made by the Lieutenant-Governor under this Act, the Board shall be charged with, and be responsible for, the proper distribution of such funds.

C.—Medical.

District Board to have control and administration of public charitable dispensaries or hospitals within the district.

66. It shall be lawful for the Lieutenant-Governor from time to time to direct by notification that any public charitable dispensary or hospital within a district shall be under the control and administration of the District Board. And the District Board shall thereupon be charged with the control and administration thereof, and the construction and repair of all buildings connected therewith.

The Lieutenant-Governor may at any time vary or annul any order made under this section.

District Board may establish and maintain dispensaries and hospitals.

67. A District Board may provide, for the use of the inhabitants of the district, dispensaries, hospitals, or temporary places for the reception of the sick, and for that purpose may

itself build such dispensaries, hospitals, or places of reception; or

contract for the use of any such dispensary, hospital, or place of reception, or of any part thereof; or

enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of the district, on payment of such annual or other sum as may be agreed on.

Two or more District Boards may combine to establish dispensaries and hospitals.

68. Two or more District Boards may, with the approval of the Commissioner or Commissioners, combine in providing a common dispensary, hospital, or place for the reception of the sick, and, with the like approval, fix the proportions of the cost thereof to be borne by them respectively.

District Board may contribute to cost of maintenance of dispensary or hospital outside district.

69. A District Board may, with the approval of the Commissioner, contribute such annual or other sum as may be agreed on towards the cost of the maintenance of any dispensary or hospital which is situated outside the district, but is habitually used by the inhabitants of the district.

Power to provide temporary supply of medicine and medical assistance.

70. A District Board may, with the approval of the Commissioner, provide, or contract with any person to provide, a temporary supply of medicine and medical assistance for the poorer inhabitants of the district.

District Board to conform to rules made by Lieutenant-Governor.

71. Every District Board, in exercising the powers vested in it by the five last preceding sections, shall conform to any rules made by the Lieutenant-Governor under this Act.

District Board to submit return of births and deaths to Magistrate.

72. It shall be the duty of the District Board to submit such returns of births and deaths as the Magistrate of the district may from time to time require in respect of all areas to which the provisions of Part I, Chapter II, have been extended.

D.—Public Works.

Transfer to District Boards of roads and other property of District Road Committee.

73. From and after the establishment of a District Board in any district, all roads, bridges, channels, buildings and other property, moveable or immoveable, held by, or under the control and administration of, the District Road Committee or any

Branch Committee in such district for the purposes of the Cess Act, 1880, shall, for the purposes of this Act, be under the control and administration of such District Board:

Village roads excepted.

Provided that all village roads within the limits of any Union established in the said district shall be under the control and administration of the Union Committee.

Government may place other property under District Boards.

74. It shall be lawful for the Lieutenant-Governor from time to time to direct that any road, bridge, channel, building, or other property, moveable or immoveable, which is vested in Government and which is situated within a district, shall, with the consent of the District Board of such district, and subject to such exceptions and conditions as the Lieutenant-Governor may make and impose, be placed under the control and administration of the District Board for the purposes of this Act, and thereupon such road, bridge, channel, building, or other property shall be under the control and administration of the District Board, subject to all exceptions and conditions so made and imposed, and to all charges and liabilities affecting the same.

Works constructed by District Board to be vested in it.

75. Every road, building, or other work constructed by a District Board from the District Fund shall be vested in the District Board by which it has been constructed.

District Board may, with consent of owners, take over and repair works.

76. A District Board may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghat, well, channel, or drain has been transferred to the District Board.

Thereupon the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel, or drain shall thenceforth be repaired and maintained out of the District Fund.

77. Every District Board shall, at such times and in such form as the Commissioner may direct, submit a schedule of all public works subject to the control of, or vested in, such District Board.

District Board to submit schedules of public works.

78. It shall be the duty of every District Board to provide for the repair and maintenance of roads, bridges, water-channels, and other works for directly improving communications, which have been taken charge of by the District Board under this Act, or towards which it may have agreed to contribute; and

District Board to repair and maintain works.

for the construction of new roads, bridges, water-channels, and other means of communication.

79. It shall be lawful for a District Board to take measures for, or to contribute towards, the construction, repair, and maintenance of any works which may directly improve the means of communication within the district or between the district and other districts;

Miscellaneous improvements.

the planting of trees by the roadside; and

the construction and maintenance of any means and appliances for improving the supply of drinking-water, or for providing or improving drainage.

80. It shall be lawful for a District Board, with the sanction of the Lieutenant-Governor, either singly or in combination with any municipal authority or any other local authority, to construct and maintain within, or partly within and partly without, its own district, a railway or tramway under the provisions of any law for governing the construction of railways or tramways for the time being in force in Bengal, and to do all lawful acts which may be necessary in that behalf.

District Board may construct and maintain railways or tramways.

81. It shall be lawful for a District Board, with the sanction of the Lieutenant-Governor, to subscribe to any debenture loan raised by the Government of India or by any municipal authority or local authority for the construction or maintenance of any

District Board may subscribe to debenture loan to construct and maintain railways or tramways.

railway or tramway which, in the opinion of such District Board, is likely to be of direct benefit to the district.

District Board may guarantee interest on capital expended on works of communication.

82. It shall be lawful for the District Board, with the sanction of the Lieutenant-Governor, from time to time to guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any railways, tramways, or other works which may directly improve the means of communication within the district or between the district and other districts.

District Boards may undertake construction, repair, and maintenance of Government buildings.

83. It shall be lawful for a District Board from time to time to undertake on behalf of the Government, and upon such conditions as may be agreed upon, the construction, repair, and maintenance of any public building or other work which is the property of the Government:

Provided that the cost of such construction, repair, or maintenance shall be defrayed by the Government.

District Board to appoint Engineer and his subordinates.

84. Subject to the provisions of section thirty-three and to any rules made by the Lieutenant-Governor under this Act, every District Board shall appoint a properly qualified person to be its Engineer, and such and so many subordinate officers under his orders as it may think necessary.

Duties of District Engineer.

85. It shall be the duty of the District Engineer to prepare all plans, designs, specifications, and estimates which the District Board may require, to carry out such works as it may direct, and to conform generally to all rules that may be made by the District Board under section thirty-two or by the Lieutenant-Governor under section one hundred and thirty-eight.

Powers of Boards under sections seventy-eight and seventy-nine to be subject to rules for approval of plans.

86. The powers of the District Board under sections seventy-eight and seventy-nine shall be subject to any rules made by the Lieutenant-Governor under this Act regarding the submission for approval of plans, designs, specifications, and estimates.

E.—Sanitation.

87. It shall be the duty of every District Board, subject to any rules made by the Lieutenant-Governor under this Act, to provide, so far as may be possible, for the proper sanitation of its district, and to incur such expenses or undertake such liabilities as may be necessary in that behalf.

District Board to provide for sanitation.

88. A District Board may, with the approval of, and subject to such limits of cost as shall be imposed by, the Commissioner, provide any place within its district with a proper and sufficient supply of water, and for this purpose may—

General powers for supplying district with water.

(1) construct, repair, and maintain water-works, wells, or tanks, and do any other necessary acts;

(2) take on lease or hire any water-works and purchase any water-works, or any water, or right to take or convey water, either within or without its district; and

(3) contract with any person for a supply of water.

89. All streams, channels, water-courses, tanks, reservoirs, springs, and wells situated within the district, and not being private property or under the control of any officer of the Government, shall, for the purposes of this Act, be under the control and administration of the District Board.

Public streams, channels, water-courses, tanks, reservoirs, springs, and wells to be under control of District Board.

90. The District Board may, by an order duly published at such places and in such manner as it may deem fit, set apart convenient tanks, parts of rivers, streams, or channels situated within the district, and not being private property or under the control of any officer of the Government, for the supply of water for drinking and for culinary purposes; and from the date of publication of such order, such tanks, parts of rivers, streams, or channels shall be held to be public springs or reservoirs.

District Board may set apart tanks, parts of rivers, streams, or channels for drinking and culinary purposes.

91. It shall be lawful for a District Board to appoint a properly qualified person to be its Sanitary Inspector, and, subject to the provisions of section thirty-three, fix the salary of such Sanitary Inspector and the details of the establishment subordinate to him.

District Board to appoint Sanitary Inspector.

F.—Vaccination.

92. Every District Board shall, within its district, be charged with the appointment, payment, management, and supervision of all public vaccinators.

District Board to have supervision of vaccinators within their districts.

93. Every District Board shall appoint a properly qualified person to be Inspector of Vaccination within its district, and shall, subject to the provisions of section thirty-three, fix the salary to be paid to such person.

District Board to appoint Inspectors of Vaccination.

Every Inspector of Vaccination appointed under this section shall, within the district, exercise the powers and perform the duties assigned to the Superintendent of Vaccination under the Bengal Vaccination Act, 1880.

94. In every district to which the Bengal Vaccination Act, 1880, has been, or may hereafter be, extended, the District Board shall have the powers of the Magistrate of the district under section twenty-five of the said Act.

District Board to have powers of Magistrate in district to which the Vaccination Act extends.

95. The Commissioner may, with the sanction of the Lieutenant-Governor, make rules consistent with this Act, and with the Bengal Vaccination Act, 1880, for the guidance of every District Board in the exercise of the powers conferred under the three last preceding sections, and may from time to time, with the like sanction, repeal or alter such rules.

Commissioner to make rules for guidance of District Boards.

96. The four last preceding sections, so far as is consistent with the tenor thereof, shall be read with, and form a part of, the Bengal Vaccination Act, 1880.

Act to be read with the Bengal Vaccination Act.

G.—Census.

97. It shall be lawful for the Commissioner, with the sanction of the Lieutenant-Governor, at any time to require a District Board to take an account of the number of persons who, at the time of taking such account, shall be within the district of such District Board:

Commissioner may direct District Board to take a census.

Provided that no part of the cost incurred in taking such account shall be charged upon, or be defrayed out of, the District Fund.

98. Every District Board which shall be required to take an account under the last preceding section shall, in taking such account, conform to any rules made by the Lieutenant-Governor under this Act, and to the provisions of any Act for the time being in force for regulating the taking of a census.

Powers for taking census.

H.—Famine relief.

99. It shall be lawful for a District Board, subject to such limit of expenditure as may be prescribed by the Commissioner, to take such measures as it thinks fit for the relief of famine within its district, and for that purpose to—

District Board may take relief measures in case of famine.

(1) Open and maintain such relief works as may be necessary.

(2) Open and maintain such temporary hospitals, poor-houses, orphanages, and places for the gratuitous distribution of food as may be necessary.

(3) Employ such extra medical or other assistance as may be necessary.

I.—Miscellaneous.

100. It shall be lawful for a District Board, with the approval of the Commissioner, and subject to any rules made by the Lieutenant-Governor under this Act, to

Miscellaneous powers of District Board.

(1) Establish and maintain, at such places within its district as it thinks fit, staging bungalows and serais for the use of travellers, and charge such fees for the use of such bungalows and serais as it thinks fit:

Staging bungalows and serais.

Provided that such fees shall in no case exceed the amount prescribed by the Commissioner.

(2) Offer rewards, upon such scale as may be approved by the Commissioner, for the destruction of noxious animals within the district.

Rewards for destruction of noxious animals.

(3) Hold, within its district, from time to time, fairs and exhibitions of cattle, country produce, and agricultural implements, or local manufactures, and incur such expenditure and charge such fees in connection therewith, as may from time to time be approved by the Commissioner.

Fairs and exhibitions.

(4) Undertake and carry out any other local work likely to promote the health, comfort, or convenience of the public and not otherwise provided for by this Act.

Works not otherwise provided for.

CHAPTER II.

Duties and Powers of Local Boards.

101. The Lieutenant-Governor, or, subject to his control, a District Board, may direct that, within the area subject to the authority of a Local Board, any matter placed under the control and administration of the District Board under this Act shall be wholly or partly transferred to the control and administration of the Local Board, with adequate funds for the purposes of such control and administration.

Duties of Local Board.

A Local Board, as the agent of, and subject to the control of, the District Board, shall, so far as the funds at its disposal permit, make due provision for all matters transferred to its control and administration under this section.

It shall be the duty of the District Board to enforce the responsibility imposed on a Local Board by this section.

102. Except as otherwise provided by this Act, a Local Board shall not incur expenses, or undertake liabilities, to any amount exceeding the limit imposed by the District Board.

Limits on expenditure of Local Board.

103. A Local Board shall exercise powers of supervision and control over all Union Committees within the area under its authority, and it shall be the duty of the Local Board to procure and submit, in such form as the District Board may prescribe, all such reports, returns, and statistics as the District Board may from time to time require.

Local Board to supervise and control Union Committees.

Chapter III.

Duties and Powers of Union Committees.

104. A Union Committee as the agent of, and subject to the control of, the Local Board shall, within the Union, have the control and administration of, and be responsible for, all matters specified in this Chapter, except such of those matters as the Local Board may think fit to take under its direct control and administration.

Union Committee to be subordinate to Local Board.

105. Every Union Committee shall submit annually to the Local Board, on or before such date as the Local Board may appoint, an estimate of the probable expenditure of the Committee for the ensuing financial year, and an account of its receipts and expenditure for the past financial year, and shall also submit any other reports which the Local Board may from time to time require.

Union Committee to submit reports, estimates, and accounts to Local Board.

106. A Union Committee shall not incur expenses, or undertake liabilities, to any amount exceeding the limit imposed by the Local Board.

Limits on expenditure of Union Committee.

107. Every Union Committee shall, within such time as the Local Board may direct, forward to such Local Board a schedule of all village roads within the Union. Such schedule shall state the length and width of the roads, the number, description, and dimensions of bridges, and such other particulars as the Local Board may require.

Union Committee to send schedule of roads to Local Board.

108. All village roads within a Union, and the stones and other materials thereof, and also all erections, materials, implements, and other things provided for such roads, shall be

Village roads placed under control and administration of Union Committee.

placed under the control and administration of the Union Committee.

Maintenance and repair of village roads.

109. A Union Committee shall, so far as the Union Fund permits, from time to time cause the village roads to be maintained and repaired, and may do all things necessary for such purpose, and may—

(*a*) lay out and make new village roads;

(*b*) build and construct new bridges;

(*c*) turn, divert, discontinue or stop up any village road; and

(*d*) widen, open, enlarge, or otherwise improve any such road.

Local Board may delegate management of portions of district roads to Union Committee.

110. The Local Board may, with the consent of a Union Committee, delegate to such Committee the management of so much of any road under the management of the Local Board as may be situated within such Union, and such Union Committee shall thereupon do all things necessary for the maintenance and repair of the portion of road so assigned to it, and shall be responsible to the Local Board in that behalf.

Powers of Union Committee in respect of pounds.

111. Every Union Committee shall exercise such powers in regard to the establishment, maintenance, and management of pounds as may be transferred to it by order notified under Act XVIII of 1883.

Primary schools.

112. Subject to any rules made by the Lieutenant-Governor under this Act, every Union Committee shall be charged with, and be responsible for, the maintenance and management of all primary schools within the Union, the appointment (subject to section thirty-six) of the gurus of such schools, and the transmission to such gurus of any rewards that may be granted by the District Board or Local Board.

Dispensaries.

113. Subject to any rules made by the Lieutenant-Governor under this Act, a Union Committee may, with its own consent, be charged with, and made responsible for, the maintenance, management, and visiting of any dispensary within the Union.

Registration of vital statistics.

114. Every Union Committee shall provide for the registration of births and deaths within the Union, and shall submit such returns as the Local Board may direct.

Sanitation.

115. Every Union Committee shall provide, as far as possible, for the sanitation of the Union, and shall make special arrangements for the sanitation of fairs and mêlas.

Drains and other conservancy works under control of Union Committee.

116. All drains and other conservancy works within the Union, which are not under the control of any other authority, shall be under the control of the Union Committee.

Local Board may delegate execution of works of improvement to Union Committee.

117. The Local Board may, with the consent of a Union Committee, delegate to such Committee the execution of any work of sanitation, drainage, or water-supply affecting the Union.

Union Committee may cleanse or repair public tanks.

118. A Union Committee may cleanse or repair any public tank, stream, well, or drain within the Union, and charge the cost of such cleansing or repairing, which shall in no case exceed a sum of one hundred rupees, to the Union Fund, or, if such fund be not sufficient, may levy such cost from persons resident within the Union in the manner provided for the levying of the Chowkidari Tax under the Bengal Village Chowkidari Acts of 1870 and 1871, or any other Act for the time being in force.

Tanks, streams, or wells so cleansed or repaired to remain under control of Union Committee.

119. Any public tank, stream, or well which the Union Committee may have cleansed or repaired under the last preceding section shall remain under the control and administration of the Union Committee; and the Union Committee may, by an order duly published in the village or villages in which such public tank, stream, or well is situated, set apart the same for the supply of water for drinking and culinary purposes.

PART IV.

Control.

Powers of Lieutenant-Governor and of Commissioners and of Magistrates of districts with respect to proceedings of local authorities.

120. It shall be the duty of the Lieutenant-Governor and of all Commissioners and Magistrates of districts, acting under the orders of the Lieutenant-Governor, to see that the proceedings of local authorities are in conformity with law and with the rules in force thereunder. The Lieutenant-Governor may, by order in writing, annul any proceeding which he considers not to be in conformity with law and with the said rules, and may do all things necessary to secure such conformity.

Records to be open for inspection of Commissioner or of Magistrate of district.

121. Every local authority shall at all times permit the Commissioner or the Magistrate of the district to have access to all its books, proceedings, and records.

Power of Commissioner or of Magistrate to inspect works.

122. The Commissioner or the Magistrate of the district shall have power at all times to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by, or any work in progress under the orders of, or any institution controlled by, a local authority.

Appointment of Inspector of Local Works, and duties to be performed by him.

123. It shall be lawful for the Lieutenant-Governor to appoint an officer to be Inspector of Local Works in each Commissioner's division, or in more than one such division, and to sanction an establishment for such officer.

It shall be the duty of the Inspector of Local Works to inspect and advise with regard to all public works under construction or repair vested in, or in charge of, any local authority within the division.

The Inspector of Local Works shall also perform such duties and exercise such powers as may be assigned to him by any rules made by the Lieutenant-Governor under this Act.

The Inspector of Local Works may at all times enter upon, or cause to be entered upon, any immoveable property belonging to any local authority in the division, or any work in progress under its direction, and may require it to furnish such statements, estimates, and reports as he thinks fit. A report of every inspection shall be prepared and a copy thereof forwarded to the District Board concerned, through the Magistrate of the district.

In all matters of professional detail the local authority shall be guided by the report of the Inspector of Local Works.

Power to suspend action of local authorities by Magistrate of district and Commissioner.

124. The Magistrate of the district, or the Commissioner, may, by order in writing, suspend the execution of any order or resolution of a local authority within the jurisdiction of such Magistrate or Commissioner, or the doing of any act which is about to be done, or is being done, by such local authority, if in his opinion the execution of the resolution or order, or the doing of the act, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace.

Power to provide for performance of duties in case of default by District Board.

125. When the Commissioner is informed, on complaint made or otherwise, that a District Board has made default in performing any duty imposed on it by or under this Act, the Commissioner, if satisfied, after due enquiry, that such District Board has made default as alleged, may, by order in writing, fix a period for the performance of that duty.

If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

If the expense and remuneration are not so paid, the Commissioner may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration, or as much thereof as is possible from that balance: and such person shall make payment accordingly.

Extraordinary powers in case of emergency.

126. In case of emergency the Magistrate of the district may provide for the execution of any work, or the doing of any act, which a local authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the District Board.

If the expense and remuneration are not so paid, the Magistrate may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration, or as much thereof as is possible, from that balance: and such person shall make payment accordingly.

Magistrate's order under sections 124 and 126 to be reported to Commissioner, who may confirm, modify, or rescind it.

127. When the Magistrate of the district makes any order under sections one hundred and twenty-four or one hundred and twenty-six, he shall forthwith submit to the Commissioner a copy of the order, with a statement of his reasons for making it, and with any explanation which the local authority concerned may wish to offer, and the Commissioner may thereupon confirm, modify, or rescind the order.

Commissioner's proceedings to be submitted to Lieutenant-Governor for final orders.

128. In every case under the last preceding section in which the Commissioner confirms or modifies any order, he shall forthwith submit to the Lieutenant-Governor a copy of the proceedings, and the Lieutenant-Governor may thereupon confirm, modify, or rescind the order of the Commissioner.

Commissioner's orders under sections 124 and 125 to be submitted to Lieutenant-Governor.

129. When the Commissioner makes any order under sections one hundred and twenty-four or one hundred and twenty-five, he shall forthwith submit to the Lieutenant-Governor a copy of the order, with a statement of his reasons for making it, and with any explanation which the local authority concerned may wish to offer. And the Lieutenant-Governor may thereupon confirm, modify, or rescind the order.

Powers and duties of Commissioner and Magistrate of district transferred to District Board and Local Board.

130. All powers conferred upon Commissioners and Magistrates of districts in regard to District Boards by sections one hundred and twenty-four and one hundred and twenty-six, shall be exercised in respect of a Union Committee by the Local Board, and in respect of a Local Board by the District Board.

When a Local Board makes any order under this section it shall forthwith submit to the District Board a copy of the order with a statement of its reasons for making it, and with any explanation which the Union Committee concerned may wish to offer. The District Board may thereupon confirm, modify, or rescind the order.

When a District Board makes any order under this section it shall forthwith submit to the Magistrate of the district, for submission to the Commissioner, a copy of the order, with a statement of its reasons for making it, and with any explanation which the Local Board may wish to offer. If the Commissioner is dissatisfied with the order, he may report the matter to the Lieutenant-Governor, who may thereupon confirm, modify, or rescind the order.

Power of Lieutenant-Governor to supersede District Board or Local Board in case of incompetency or wilful neglect of duty.

131. If a District Board or Local Board is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Lieutenant-Governor may, by notification, specifying the reason for so doing, supersede such District Board or Local Board for a period to be specified in such notification.

Consequences of supersession.

132. When a District Board or Local Board is superseded under the last preceding section, the following consequences shall ensue—

(*a*) All members constituting the District Board or Local Board shall from the date of the notification vacate their offices as such members.

(*b*) All powers and duties of the District Board or Local Board may, until such District Board or Local Board is reconstituted, be exercised and performed by such person or persons as the Lieutenant-Governor may from time to time appoint in that behalf.

(*c*) When a District Board is superseded, all property vested in it shall, pending the reconstitution of the Board, be vested in the Lieutenant-Governor.

On the expiration of the period of supersession specified in the notification, the Board shall be re-established, and the persons who vacated their offices under clause (*a*) shall be eligible for appointment or election.

Nevertheless it shall be lawful for the Lieutenant-Governor to direct that a Local Board re-established under this section shall consist entirely of appointed members, although such Local Board may have been established in a district mentioned in the third schedule of this Act.

Disputes between two or more Union Committees to be referred to Local Board.

133. If a dispute arises between two or more Union Committees within the area under the authority of a Local Board, the matter shall be referred to the Local Board, and the decision of such Local Board upon the matter so referred shall be final and binding.

Disputes between two or more Union Committees under the authority of different Local Boards to be referred to District Board when Local Boards cannot agree.

134. If a dispute arises between two or more Union Committees within the areas under the authority of different Local Boards, the matter shall be referred to the Local Boards; and if the Local Boards cannot agree, to the District Board, and the decision of such Local Boards or District Board, as the case may be, upon the matter so referred, shall be final and binding.

Disputes between two or more Local Boards to be referred to District Board.

135. If a dispute arises between two or more Local Boards within the area under the authority of a District Board, the matter shall be referred to the District Board, and the decision of such District Board upon the matter so referred shall be final and binding.

Disputes between municipal authorities and local authorities in the same district to be referred to Magistrate of district.

136. If a dispute arises between a municipal authority or authorities and a local authority or authorities within the same district, the matter shall be referred to the Magistrate of the district, and the decision of the Magistrate upon the matter so referred shall be final and binding:

Provided that, if the Magistrate is a member of one of the authorities concerned, his functions under this section shall be discharged by the Commissioner.

Decision of disputes not otherwise provided for.

137. If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more local authorities, or between a local authority or authorities, and a municipal authority or authorities, the matter shall be referred—

(*a*) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(*b*) to the Lieutenant-Governor if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

And the decision of the Commissioner or Commissioners, or of the Lieutenant-Governor, as the case may be, upon the matter so referred shall be final and binding.

Power of Lieutenant-Governor to make rules.

138. It shall be lawful for the Lieutenant-Governor to make rules, consistent with this Act, for any District Board or Local Board or Union Committee for the purposes of—

(*a*) determining the mode and time of appointment or election of members of Boards and Committees, the term of office, and the qualifications and disqualifications of such members, and the qualifications and disqualifications and the registration of voters and candidates, and generally for regulating all elections under this Act;

(*b*) regulating the conduct of proceedings of Boards and Committees, including the manner in which notices of a meeting shall be given, the fixing of a quorum, the due record of proceedings, and the language in which business shall be transacted;

(*c*) fixing the time within which a Chairman or Vice-Chairman may be elected;

(*d*) regulating the powers of District Boards to transfer property;

(*e*) regulating the powers of Boards and Committees to contract and do other things necessary for the purposes of their constitution and the mode of executing contracts;

(*f*) determining the immediate offices, if any, through which correspondence between Boards and Committees, or members of Boards and Committees, and the Lieutenant-Governor or his officers, shall pass;

(*g*) prescribing the qualifications of candidates for employment under section thirty-three;

(*h*) prescribing the times for holding meetings and for submitting statements, estimates, reports, or accounts under sections forty-six and forty-seven;

(*i*) prescribing forms for statements, estimates, and accounts and regulating the keeping, checking, and publication of such accounts and the manner of periodical audit under sections fifty-four and fifty-five;

(*j*) regulating the maintenance and management of schools under sections sixty-two, sixty-three, and sixty-four, the construction and repair of buildings connected therewith, and the appointment of masters and assistant masters, and the proper distribution of funds transferred to District Boards under section sixty-five:

(*k*) regulating the control and administration of dispensaries, hospitals, and places of reception for the sick, the construction and repair of buildings connected therewith, and the supply of medicines and medical assistance for the poorer inhabitants of the district;

(*l*) prescribing the procedure to be adopted in the appointment of the Engineer to the District Board under section eighty-four, and regulating the performance and exercise of the duties and powers of such Engineer and of the Inspector of Local Works under sections eight-five and one hundred and twenty-three, respectively.

(*m*) regulating the submission for approval of plans, designs, specifications, and estimates under section eighty-six;

(*n*) regulating the duties and powers of District Boards in regard to sanitation;

(*o*) regulating the duties of District Boards in regard to taking a census;

(*p*) regulating the establishment and maintenance of staging bungalows and serais, the holding of fairs and exhibitions, the offer of rewards for the destruction of noxious animals, and the carrying out of any other work likely to promote the health, comfort, or convenience of the public;

(*q*) regulating the powers of Union Committees in regard to primary schools and dispensaries under sections one hundred and twelve and one hundred and thirteen;

(*r*) providing for the appointment and payment of auditors of the accounts of Boards and Committees;

(*s*) affording guidance to District Boards when suits or other proceedings are threatened or have been instituted by or against them in Civil Courts; and

(*t*) generally determining the relations between District Boards, Local Boards and Union Committees, and for the guidance of Boards and Committees and Government officers in all matters connected with the carrying out of the provisions of this Act.

And may from time to time repeal or alter such rules.

Rules made under this section shall be published in such manner as the Lieutenant-Governor may direct, and shall thereupon have the force of law;

and no rules under clause (*a*) shall come into operation until three months after they have been published as aforesaid.

Bye-laws.

Power of District Board and Local Board to make bye-laws.

139. Every District Board or Local Board, empowered in this behalf by the Lieutenant-Governor, may make bye-laws for carrying out all or any of the purposes of this Act.

Bye-laws made under this section shall have the force of law when confirmed by the Lieutenant-Governor and published in such manner and for such time as the Lieutenant-Governor may direct.

Penalty for infringement of bye-laws.

140. In making a bye-law under the last preceding section a Board may provide that a breach of the same shall be punished with fine which may extend to fifty rupees, and in the case of a continuing breach with a further fine which may extend to five rupees for every day during which the breach is continued after the offender has been convicted of such breach.

Prosecutions.

141. Prosecutions under this Act for breach of bye-laws may be instituted by any Board, or by any person authorized by the Board in this behalf.

A Judge or Magistrate shall not be deemed to be, within the meaning of section five hundred and fifty-five of the Code of Criminal Procedure, a party to, or personally interested in, any case under this section, merely because he is a member of the Board.

Miscellaneous Provisions.

Liability of members of Boards and Union Committees.

142. No person shall be liable for the loss, waste, or misapplication of any money or other property belonging to the District Board or Union Committee, unless such loss, waste, or misapplication is a direct consequence of his neglect or misconduct while a member of a Union Committee, Local Board, or District Board, and a suit for compensation for the same may be instituted against him, in such Court as the Lieutenant-Governor directs, by the District Board with the sanction of the Lieutenant-Governor or by the Secretary of State for India in Council.

Procedure for making rules and bye laws.

143. The Lieutenant-Governor, before making any rules under section one hundred and thirty-eight, and a District Board or Local Board, before

making any bye-laws under section one hundred and thirty-nine, shall publish, in such manner as the Lieutenant-Governor deems sufficient for giving information to persons interested, the proposed rules or bye-laws, together with a notice specifying a date on or after which the same will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider any objection or suggestion which may be made by any person with respect to the same before the date so specified.

Every such rule or bye-law shall be published in the *Calcutta Gazette* in English and in such other language as the Lieutenant-Governor directs, and such publication shall be evidence that the rule or bye-law has been made as required by this section.

Penalty on member, officer, or servant being interested in contracts made with a local authority.

144. If any member of a local authority, or any officer or servant maintained by or employed under a local authority, has, directly or indirectly, any share or interest in any work done by order of the local authority of which he is a member, or by which he is maintained, or under which he is employed, or in any contract with or under such local authority, he shall be liable on conviction before a Criminal Court to a fine which may extend to five hundred rupees:

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person—

(*a*) Having a share in any joint stock company which shall contract with, or be employed by, or on behalf of, the local authority; or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local authority may be inserted; or

(*c*) holding a debenture or being otherwise concerned in any loan raised by, or on behalf of, the local authority.

Nevertheless it shall not be lawful for a person having any share or interest, such as is described in clauses (*a*) and (*b*), to act as a member of the local authority in any matter relating to a contract or agreement between the local authority and such company or the manager or publisher of such newspaper.

Power to make compensation out of the local fund.

145. Every local authority may make compensation out of the district or union funds respectively to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

No action to be brought against the members of Boards and Committees or their officers until after one month's notice of cause of action.

146. No suit shall be brought against the members of any District Board, Local Board, or Union Committee, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Board or Committee, and also (if the suit is intended to be brought against any officer of the said Board or Committee, or any person acting under their direction) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit;

And unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

FIRST SCHEDULE.

(SEE SECTION 2.)

Number and year.	Subject.	Extent of repeal.
Bengal Act IX of 1880.	To amend and consolidate the law relating to rating for the construction, charges, and maintenance of district communications and works of public utility and of provincial public works.	Sections 110 to 181, both inclusive. Section 182, clauses (*a*), (*b*), (*c*), (*e*), (*g*) and (*h*).

SECOND SCHEDULE.

(See Section 2.)

Number and year.	Subject.	Extent of amendment.
Bengal Act IX of 1880.	To amend and consolidate the law relating to rating for the construction, charges, and maintenance of district communications and works of public utility and of provincial public works.	In section 4, the following definitions shall be substituted for the definition of "The Committee":— Amendment of section 4. "District Board" means the Board constituted under the provisions of the Bengal Local Self-Government Act of 1885. District Board. "District Fund" means the Fund formed under section fifty-two of the Bengal Local Self-Government Act of 1885. District Fund. In section 9 the words "and, together with other assets of such fund, shall be applied to the purposes mentioned in section 111" shall be omitted. The following section shall be substituted for section 38:— "38. The road cess for each year shall be assessed and levied in each district as provided in section 6, and (subject to the maximum rate in that section mentioned) at such rate as may be determined for such year by the District Board." Rate at which road cess shall be levied how to be fixed. In section 40 omit the words "as provided in section 155." In sections 82 and 83 the words "District Road Funds" and "District Road Fund" shall be substituted for the words "Committees" and "Committee" respectively. In section 93 the words "District Road Fund" shall be substituted for the words "District Road Committee." In section 108 the words "and of all sums whatsoever which may be at the disposal of the District Road Committee as hereinafter appointed" shall be omitted. The following new section shall be substituted for section 109:— "109. The District Road Fund of every district shall be applicable to the following objects and in the following order:— Application of District Road Fund. *Firstly.*—To the payment of the cost of establishments entertained and expenses incurred by the Collector under section 91. *Secondly.*—To the indemnification of the Collector, with the sanction of the Commissioner, for any other costs or damages which he may have incurred, or for which he may have become liable, in the course of the proceedings for the assessment and collection of the cesses under this Act. And the balance, after payment of such expenses, shall be credited to the District Fund of the district."

THIRD SCHEDULE.

(See Sections 6 and 9.)

Districts in every sub-division of which a Local Board shall be established.

District.	District.
24-Pergunnahs.	Midnapore.
Nuddea.	Bankoora.
Moorshedabad.	Beerbhoom.
Jessore.	Dacca.
Khoolna.	Furreedpore.
Hooghly.	Rajshahye.
Howrah.	Pubna.
Burdwan.	Patna.

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